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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,323	01/04/2001	Toshikazu Ura	F-6768	7228

7590

04/10/2003

Jordan and Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

TSANG FOSTER, SUSY N

ART UNIT

PAPER NUMBER

1745

13

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/719,323

Applicant(s)

URA, TOSHIKAZU

Examiner

Susy N Tsang-Foster

Art Unit

1745

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-14.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: In proposed claim 1, the newly added limitation "said electrode plate group being formed by being inserted in a cylindrical mold jig, and being subjected to pressure by a flat surfaced pressing member from an aperture of the cylindrical molding jig sufficient to flatten said electrode plate group" is presented for the first time and would require further consideration by the Examiner. In proposed claim 5, the newly added limitation "said at least one first current collector and said at least one second current collector being inserted into a cylindrical molding jig, and being subjected to pressure by a flat surfaced pressing member from an aperture of the cylindrical molding jig sufficient to flatten said electrode plate group" is presented for the first time and would require further consideration by the Examiner. In proposed claim 10, the newly added limitation "forming the flat plane of the at least one first current collector and the flat plane of the at least one second current collector at opposite ends of the electrode plate group by inserting the electrode plate group into a cylindrical molding jig, and subjecting the electrode plate group to pressure of a flat surfaced pressing member from an aperture of the cylindrical molding jig sufficient to flatten said electrode plate group" is presented for the first time and would require further consideration. In proposed claims 15 and 16, the limitation "the flat plane of the at least one first current collector and the flat plane of the at least one second current collector are formed simultaneously" is presented for the first time and would require further consideration by the Examiner.

Continuation of 3. Applicant's reply has overcome the following rejection(s): The rejections for claims 5-8, and 10-13 under 35 USC 112 first paragraph rejections in the final office action are withdrawn. Claims 9 and 14 remain rejected under 35 USC 112, first paragraph for the reasons of record.

In response to applicants' argument that Oweis et al. does not teach a structure with the same strength and electrical reliability of the present invention, the point is moot since the strength and electrical reliability of the structure are not claimed.

In response to applicants' arguments that Jean-Pierre Cailley fails to teach current collectors bent at a 90 degree angle to form a flat plane and that as can be seen in Figures 1, 4, and 6 of Jean-Pierre Cailley do not show the collectors clearly forming a flat plane, Figures in patents are not drawn to scale unless it is stated otherwise in the patent and Cailley at column 3, lines 23-30 states that edge portions that are not covered by active material are bent down in a substantially perpendicular direction which would form a substantially flat plane at one end of the electrode plate group.

In response to applicants' arguments that one of ordinary skill in the art would readily appreciate how to obtain a continuous spiral edge in light of the present disclosure, the Examiner disagrees for reasons given in the previous office action. Specifically, the method depicted in Figure 2 does not ensure that a top edge of the current collector forms a continuous spiral edge bent orthogonally with respect to the axis of the spiral. A person of ordinary skill in the art would recognize that the method depicted in Figure 2 does not give a continuous spiral edge even though the current collector can be bent easily since the pleats are formed randomly during the crushing step and do not necessarily form a continuous spiral.

All art rejections are maintained in the previous office action for the reasons of record.

Any inquiry concerning this communication or earlier communications should be directed to examiner Susy Tsang-Foster, Ph.D. whose telephone number is (703) 305-0588. The examiner can normally be reached on Monday through Thursday from 9:30 AM to 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at (703) 308-2383. The phone number for the organization where this application or proceeding is assigned is (703) 305-5900.

The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9310 for regular communications and (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

st/7 April 2003

